

REMARKS

The Office Action issued on February 28, 2011 has been carefully reviewed, and these remarks are responsive thereto. By this paper, Applicant cancels Claims 1-40. Claims 41-42 were previously cancelled. New Claims 43-70 are added. Support may be found at least in paragraphs [0083], [0088], [0091], [0093], and [0097]-[0100]. Upon entry of these amendments, Claims 43-70 are presented for further examination in view of the remarks below.

Discussion of Claim Rejections Under 35 U.S.C. §§ 102 and 103

The previously pending claims were rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent Application Pub. No. 2006-0046699 (“Guyot”) and/or obvious over Guyot in view of U.S. Patent Application Pub. No. 2003-0028596 (“Toyota”). As applicant has canceled the previously pending claims, these rejections are now moot. However, in order to facilitate prosecution of this case, in the remarks below, Applicant distinguishes the currently pending claims over the cited references.

Discussion of Patentability of New Claims 43-70

New Claim 43 recites the feature of “wherein the first image is different from the second image, and wherein the first image is available for transmission to the second communication device at the same time the second image is available for transmission to the third communication device.” Applicant respectfully submits that none of the references, alone or in combination, disclose this feature. In Guyot’s system, there is no disclosure that a mobile device can transmit different avatars to different devices at the same time. Instead, Guyot describes a system in which a user can customize their avatar, but that avatar will be presented to all group members at any given moment. While Guyot’s system allows a user to modify an avatar during ongoing communication with other devices, any modification made is presented to each of the other device in communication with Guyot’s device, and the modification is not specific to any particular device.

New Claim 59 recites the feature of a processor configured to “generate and concurrently maintain a first environment and a second environment, wherein the first environment displays a first image indicative of the first status of the user, and wherein the second environment displays

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a second image indicative of the second status of the user, the second image being different from the first image.” Applicant respectfully submits that this feature is not disclosed by Guyot, or any other reference of record. Guyot describes a Mobile Avatar System (100), which can be used to create and maintain a communication path which facilitates group communication. See, e.g., Guyot at [0055]. However, the Mobile Avatar System describe by Guyot does not provide any ability to “concurrently maintain a first environment and a second environment, wherein the first environment displays a first image indicative of the first status of the user, and wherein the second environment displays a second image indicative of the second status of the user, the second image being different from the first image.” Rather, it merely allows a user to participate in a single group communication at a time, using a single customizable avatar.

Applicant respectfully submits that Toyota, even if properly combinable with Guyot, does not cure any of the deficiencies in Guyot identified above, as it relates to access control in online message boards. Accordingly, independent Claims 43 and 59 are each allowable.

Discussion of Dependent Claims

Each of the pending dependent claims incorporate by reference all the limitations of independent Claims 43 and 59, pursuant to 35 U.S.C. § 112, ¶ 4. In view of the limitations as recited in the independent claims, and in view of the additional limitations as recited in dependent claims, Applicant respectfully submits that the dependent claims are allowable for at least the reasons discussed above and their respective additional novel features. Although specific features of all of the dependent claims have not been discussed in this response, Applicant does not necessarily agree with the characterizations and assessments made by the Examiner with respect to the dependent claims. Thus, Applicant respectfully submits that all dependent claims are allowable.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

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application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In light of the above, reconsideration and withdrawal of the outstanding rejections are specifically requested. Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: August 26, 2011

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AMEND

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